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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,733	04/26/2005	Marcus Burgel	2002P16722WOUS	6283

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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2169

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10/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,733	Applicant(s) BURGEL ET AL.	
	Examiner LINH BLACK	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/18/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the Applicant's response dated 7/2/08. Claims 7-23 are pending in the application. Claims 7 and 11 are independent claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-23 disclose "A system for managing data in a source file..." The limitation "system" in these claims does not explicitly or implicitly teach that the claims are directed to a physical system. There is not any limitation that provides physical parts to be a physical system or machine. Thus, claims 11-23 are rejected as a system of software per se, failing to fall within a statutory category of the invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "the foregoing" in line 10 of claim 7. There is insufficient antecedent basis for this limitation in the claim. Appropriate action is required in order to explicitly point out what the limitation "foregoing" is.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kadel, JR. et al. (US 10/532,733).

As per claims 7 and 11, Kadel teaches

providing a source file described in an extensible markup language – paragraphs 63 (XML source file), 73, 83, fig. 30.

structuring the data in the source file in the form of objects, wherein components of the objects are stored in first files (object-specific generic container), wherein the components each represent a logical unit of an object – pars. 97-98 (changes may be notified when attributes, members (or containers) or references...are added, updated, or removed and when values are changed), 129, 226.

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providing a second file having a first mechanism for referencing the components as a higher-order, object-based logical level for storing; and selectively directly accessing the objects; the foregoing providing hierarchical structuring of object complexes and distribution of data of objects among a plurality of files to enable a reading-in tool to pass over or avoid having to read or process portions of the source file data when seeking other portions of the source file data for use in the application - pars. 176 (a data item is defined as any unit of information...each information element is defined in terms of entities (data source or data consumer component), ...attributes (name/value)...), 301-302 (XML formatted data...hierarchically structured tags...parses the XML schema appropriate for it and constructs metadata specifications appropriate for the contents of each tag...they refer directly to already precompiled procedures...and exposes the content in the standardized information representation using this metadata), 318 (attribute category), 334.

providing the reading-.in tool, wherein the reading-in tool passes over or avoids reading, or processing portions of the source file data when seeking other portions of the source file data for use in the application – pars. 310 (XML data parsing), 327(embedded in the XML are custom information enabling determination of data location in files or databases...based on unique Ids or names...)

As per claims 8 and 12, Kadel teaches

wherein the components are themselves objects – pars. 14, 94.

As per claims 9 and 13, Kadel teaches

wherein the components are stored in object-specific generic containers, and wherein the containers are provided for referencing the respective object – pars. 97, 109, 208, 129.

As per claims 10 and 14, Kadel teaches

wherein the extensible markup language is XML – pars. 63, 301.

As per claims 15-17, Kadel teaches

wherein the reading-in tool is a parser; wherein the parser is a XML-parser; wherein the reading-in tool passes over data beginning from a certain start tag up to the associated end tag – pars. 301-310, 334.

As per claims 18 and 21, Kadel teaches

wherein parts of objects are distributed among a plurality of files, wherein a core information necessary for identifying the object and its type is present in a source file and wherein the object's actual useful information is relocated to a relocation file – pars. 71, 78, 114, 232.

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As per claims 19 and 22, Kadel teaches

wherein references to relocated objects contain an object identification data, data regarding a target file in which the object is located and object identification data in the target file – pars. 172, 339.

As per claims 20 and 23, Kadel teaches

wherein the object identification data in the target file is an object ID and an object name – par. 327.

Response to Arguments

Applicant's arguments with respect to claims 7-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2169

September 28, 2008.

/HUNG Q. PHAM/
Primary Examiner, Art Unit 2169